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2 Nevada State Bar # 11479  
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6 Attorney for: NICHOLAS LINDSEY

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 \* \* \*

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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 vs.  
14 NICHOLAS LINDSEY,  
15 Defendant.

2:11-CR-217-LDG

**STIPULATION TO CONTINUE**  
**MOTION DEADLINES AND**  
**TRIAL DATE**

(1<sup>ST</sup> Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
17 States Attorney, and Christina Brown, Assistant United States Attorney, counsel for the United  
18 States of America, and Rene L. Valladares, Acting Federal Public Defender, and William Carrico,  
19 Assistant Federal Public Defender, counsel for, NICHOLAS LINDSEY, that the calendar call  
20 currently scheduled for, August 2, 2011 at the hour of 8:30 a.m., and the trial currently scheduled  
21 for, August 8, 2011 at the hour of 8:30 a.m. be vacated and set to a date and time convenient to this  
22 court. However, no event earlier than sixty (60) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and  
24 including September 15, 2011, by the hour of 4:00 p.m., within which to file any and all pretrial  
25 motions and notice of defense.

26 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall  
27 have to and including September 29, 2011 by the hour of 4:00 p.m., within which to file any all  
28 responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall  
2 have to and including October 8, 2011 by the hour of 4:00 p.m., within which to file any and all  
3 replies to dispositive motions.

4 This Stipulation is entered into for the following reasons:

5 1. The parties are awaiting information regarding the case, and relevant conduct, to be  
6 provided from various sources. This information will be discoverable and need to be provided to  
7 each opposing party when available.

8 2. At this time, the Parties are anticipating that 60 days will be sufficient time to  
9 complete discovery and also permit negotiations on the case, if the Parties so choose.

10 3. The Defendant is not in custody, and does not object to this continuance.

11 4. The additional time requested herein is not sought for purposes of delay, but merely  
12 to allow counsel for defendant sufficient time within which to be able to effectively and thoroughly  
13 research, prepare and submit for filing appropriate pretrial motions.

14 5. Additionally, denial of this request for continuance could result in a miscarriage of  
15 justice.

16 6. The additional time requested by this Stipulation is excludable in computing the  
17 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
18 States Code, Section 3161(h)(3)(A) and Title 18, United States Code, Section 3161(h)(7)(A),  
19 considering the factors under Title 18, United States Code, Sections 3161 (h)(7)(B)(i) and Sections  
20 3161 (h)(7)(B)(iv).

21 This is the 1<sup>st</sup> request for continuance filed herein.

22 DATED this 27th day of July, 2011.

23  
24 RENE L. VALLADARES  
25 Acting Federal Public Defender

DANIEL G. BOGDEN,  
United States Attorney

26 */s/ William Carrico*  
27 By: \_\_\_\_\_  
28 WILLIAM CARRICO  
Assistant Federal Public Defender

*/s/ Christina Brown*  
By: \_\_\_\_\_  
CHRISTINA BROWN  
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS LINDSEY,

Defendant.

2:11-CR-217-LDG  
FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties are awaiting information regarding the case, and relevant conduct, to be provided from various sources. This information will be discoverable and need to be provided to each opposing party when available.

2. At this time, the Parties are anticipating that 60 days will be sufficient time to complete discovery and also permit negotiations on the case, if the Parties so choose.

3. The Defendant is not in custody, and does not object to this continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and thoroughly research, prepare and submit for filing appropriate pretrial motions.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(3)(A) and Title 18, United States Code, Section 3161(h)(7)(A),

1 considering the factors under Title 18, United States Code, Sections 3161 (h)(7)(B)(i) and Sections  
2 3161 (h)(7)(B)(iv).

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4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of the  
6 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely  
7 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
8 within which to be able to effectively and thoroughly prepare for trial, taking into account the  
9 exercise of due diligence.

10 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United  
11 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),  
12 when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and  
13 3161(h)(7)(B)(iv).

14 **ORDER**

15 IT IS THEREFORE ORDERED that the parties herein shall have to and including  
16 September 15, 2011, by the hour of 4:00 p.m., within which to file any and all pretrial motions  
17 and notice of defense.

18 IT IS FURTHER ORDERED that the parties shall have to and including September 29,  
19 2011, by the hour of 4:00 p.m., within which to file any all responsive pleadings.

20 IT IS FURTHER ORDERED that the parties shall have to and including October 8, 2011,  
21 by the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

22 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury  
23 instructions, and a list of the Government's prospective witnesses must be submitted to the Court  
24 by the \_\_\_\_ day of \_\_\_\_\_, 2011, by the hour of 4:00 p.m.

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1 IT IS FURTHER ORDERED that the calendar call currently scheduled for August 2,2011  
2 at the hour of 8:30 a.m., be vacated and continued to \_\_\_\_\_ at the  
3 hour of \_\_\_\_\_ a.m.; and the trial currently scheduled for August 8, 2011 at the hour of 8:30  
4 a.m. be vacated and continued to \_\_\_\_\_ at the hour of \_\_\_\_\_  
5 a.m.

6 DATED \_\_\_\_ day of \_\_\_\_, 2011.

7 UNITED STATES DISTRICT JUDGE  
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